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APR 05 2004

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Tsyrganovick :
Application No. 08/937,877 :
Filed: September 29, 1997 :
Attorney Docket No. ZILG.183US0 :

This is a decision on the petition under 37 CFR 1.137(a), and in the alternative under 37 CFR 1.137(b), filed October 30, 2003, to revive the above-identified application. The petition is also being treated under 37 CFR 1.181 (no fee) as a petition to withdraw the holding of abandonment.

The petition is under 37 CFR 1.181 is **granted**.

The petition under 37 CFR 1.137(a) is **dismissed as moot**.

The petition under 37 CFR 1.137(b) is **dismissed as moot**.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed October 22, 2002, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application was deemed abandoned on January 23, 2003. A Notice of Abandonment was mailed on October 2, 2003.

Petitioner contends the Office action was not received.

A review of the file history indicates that a request to change the correspondence address was received by the Office between February 21, 2002, and March 1, 2002. However, the paper was not matched with the file and the change in address was not made until *after* the Office action had been mailed. Therefore, the Office action was mailed to the wrong address and withdrawal of the holding of abandonment is proper.

The Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

Since the petition has been granted under 37 CFR 1.181, the petitioner's request to have the petition considered under 37 CFR 1.137 is dismissed as moot. No petition fee is required for a petition to withdraw holding of abandonment under 37 CFR 1.181. Therefore, a petition fee has not been charged to petitioner's deposit account.

The file is being forwarded to Technology Center 2600 for entry and consideration of the amendment filed on October 30, 2003.

Telephone inquiries should be directed to Petitions Attorney Steven Brantley at (703) 306-5683.

A handwritten signature in black ink, appearing to read 'C. Brantley', is positioned above the printed name.

Charles Steven Brantley
Petitions Attorney
Office of Petitions